IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 15665 of 2004

Between:

V.Eshwaraiah, s/o Chandraiah,
Kotyala Village, Mulug Mandal, Medak District.

..... PETITIONER

AND

1. Joint Collector (Civil Supplies), Medak District at Sanga Reddy.
2. The Revenue Divisional Officer, Siddipet, Medak District at Siddipet.
3. Mandal Revenue Officer, Mulug Mandal, Mulug, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the order passed in CSA/9/A/2004 dt.20-8-2004 on the file of the 1st respondent and also declare the proceedings No.B/1101/2004 dt.25-6-2004 issued by the 2nd respondent as being illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is a fair price shop dealer of Kotyala village, Mulug Mandal, Medak District. His authorization has been suspended by the 2nd respondent-Revenue Divisional Officer, Siddipet, Medak District, by an order, dated 25-06-2004, pending enquiry into the alleged irregularities in distribution of the essential commodities. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Joint Collector(Civil Supplies), Medak District at Sanga Reddy, along with an application for stay. He filed W.P.No.12628 of 2004 contending that the 1st respondent failed to consider his appeal as well as the application for stay. This Court disposed of the writ petition by an order, dated 21-07-2004, with a direction to the 1st respondent to consider the application for stay filed by the petitioner, in the appeal filed against the order of the Revenue Divisional Officer, dated 25-06-2004, and to pass appropriate orders in accordance with law within a period of two weeks. In pursuance thereof, the 1st respondent having issued a notice to the petitioner and after affording an opportunity of being heard, by order dated 20-08-2004, disposed of the Appeal observing that the Revenue Divisional Officer suspended the authorization pending enquiry on receipt of a report from the Mandal Revenue Officer, Mulug, alleging diversion of 3.50 qtls of PDS rice by the appellant and keeping variation of stocks in the fair price shop, and that since the said order itself is an interim order, it would be appropriate to dispose of the appeal itself by remanding the matter to the Revenue Divisional Officer, Siddipet to conduct enquiry. Accordingly, the Revenue Divisional Officer was directed to complete the enquiry and pass final orders within one month from the date of receipt of the order. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for

Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contends that the impugned order, dated 20-08-2004, which is a final order in the appeal itself, is not in conformity with the directions of this Court in W.P.No.12628 of 2004. The learned counsel also vehemently contends that the 1st respondent ought not to have disposed of the main appeal and at any rate he ought to have adjudicated the matter on merits instead of remanding to the Revenue Divisional Officer.

I do not find any substance in the contentions of the learned counsel for the petitioner. It is true that this Court directed that the application for stay be disposed of within two weeks; however, nothing prevents the 1st respondent to hear the main appeal and to pass appropriate orders following due process of law. The order, dated 20-08-2004, shows that notice was issued to the petitioner and after hearing the petitioner, a reasoned order has been passed, directing the Revenue Divisional Officer to complete the enquiry expeditiously within one month. I am unable to hold that the said order suffers from any infirmity warranting interference of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to complete the enquiry in terms of the order of the 1st respondent, dated 20-08-2004. No costs.

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01-09-2004

vs

To

1. Joint Collector (Civil Supplies), Medak District at Sanga Reddy.
2. The Revenue Divisional Officer, Siddipet, Medak District at Siddipet.
3. Mandal Revenue Officer, Mulug Mandal, Mulug, Medak District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings, High Court of A.P., Hyderabad. (out).

5. 2CD copies.